

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff

v.

SHAWN MALMQUIST (12),
Defendant

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Case No. 1:21-CR-48-LY-12

ORDER

Now before the Court is Defendant Shawn Malmquist's Motion to Withdraw Due to Conflict, filed October 7, 2022 (Dkt. 1279). On October 11, 2022, the District Court referred the Motion to the undersigned Magistrate Judge for resolution. Dkt. 1286. The Court held a hearing on the Motion on October 17, 2022.

Final judgment was entered in this case on September 23, 2022, and Defendant has filed a notice of appeal to the United States Court of Appeals for the Fifth Circuit. Dkts. 1263, 1267. Defense counsel now asks that he be permitted to withdraw, and Defendant asks that he be appointed new appellate counsel.

Having considered the Motion, the undersigned finds that there is good cause to grant the Motion and permit the counsel to withdraw, and that Defendant has received notice. **IT IS THEREFORE ORDERED** that William J. Browning is hereby **WITHDRAWN** as Defendant's counsel of record.

Defendant is detained and has been sentenced to a term of imprisonment. Consistent with the Order Regarding Financial Status (Dkt. 265), the Court finds that Defendant is financially unable to employ appellate counsel, and that the interests of justice require that counsel be appointed to represent him on appeal.

Accordingly, **IT IS FURTHER ORDERED** that **Greg T. Kinskey #24015125** is hereby **APPOINTED** to represent Defendant on appeal.

SIGNED on October 17, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE